

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CYNTHIA RICH

Plaintiff,

v.

Case No. 13-C-0849

CAROLYN W. COLVIN,

**Acting Commissioner of the Social Security Administration
Defendant.**

ORDER

IT IS ORDERED that defendant's unopposed motion to remand (R. 14) is **GRANTED**, and this case is remanded to the Commissioner for further proceedings under sentence four of 42 U.S.C. § 405(g). The Clerk is directed to enter judgment accordingly.

This case will be remanded to an Administrative Law Judge ("ALJ") for rehearing. On remand, the ALJ shall provide plaintiff with an opportunity to testify and to submit additional evidence. The ALJ will reevaluate the record, including plaintiff's testimony and statements regarding the severity of her impairments. The ALJ will reevaluate plaintiff's credibility in accordance with 20 C.F.R. § 416.929 and SSR 96-7p. The ALJ will proceed through the sequential evaluation process as needed to reach a decision. The ALJ will reassess plaintiff's maximum residual functional capacity by further evaluating the medical and other source opinions, including but not limited to those of plaintiff's treating physicians, David Rohde, Ph.D., ARNP, and David Magness, D.O., treating therapist Susan Pepper-Simms, M.S., M.S.W., and examining source Anastasia Manutes, M.S., L.P.C., in accordance with 20 C.F.R. § 416.927 and SSR 96-2p, 96-5p, 96-6p, and 06-3p. If the evaluation reaches step four of the sequential

evaluation, the ALJ will reevaluate plaintiff's maximum residual functional capacity and at step five determine whether there are a significant number of jobs that plaintiff can perform despite her impairments. On remand, the ALJ shall issue a de novo decision consistent with all applicable rules and regulations as interpreted in relevant Seventh Circuit case law. Finally, given the tone of the ALJ's questioning and his decision, and his apparent misunderstanding of plaintiff's PTSD and history of abuse, the court recommends that on remand the Commissioner assign the case to a different ALJ. See Sarchet v. Chater, 78 F.3d 305, 309 (7th Cir. 1996).

Dated at Milwaukee, Wisconsin this 27th day of January, 2014.

/s Lynn Adelman

LYNN ADELMAN
District Judge